

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DANIEL K. HAYDEN,**

**Defendant.**

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**Case No. CR-09-151-L**

**ORDER REVOKING CONDITIONS OF RELEASE**

This matter comes on for hearing before the undersigned Magistrate Judge on Plaintiff's Petition for Action on Conditions of Pretrial Release. The United States appears through Assistant United States Attorney Andre Caldwell and Defendant appears in person and through appointed counsel Assistant United States Public Defender Teresa Brown.

United States Probation Officer Ann Alesch testified regarding Defendant's alleged violation of the pretrial release condition that Defendant reside at the Carver Center and abide by the rules of the Center. Ms. Alesch testified that Defendant made remarks threatening violence against residents and staff at the Carver Center. Specifically, Ms. Alesch testified that Carver Center employees reported that Defendant stated that "he should kill them all" since they all believed he was a murderer anyway. According to Ms. Alesch the Carver Center was recommending that Defendant be terminated from their program.

Counsel for Defendant proffered that she had been in contact with the City Rescue Mission and had been advised that Defendant could stay at that facility. She proffered

further that Defendant did not recall making the alleged threats, that he is currently under a lot of stress and that at that particular time he thought he was having a heart attack.

Based on clear and convincing evidence before the Court, the undersigned finds that Defendant violated the conditions of this pre-trial release by making threats of violence against people at the Carver Center and that Defendant is unlikely to abide by any condition or combination of conditions of release. Given these findings and the fact that Defendant's pending criminal charge likewise involves the issuance of threats of violence, the undersigned orders that Defendant's Conditions of Release be revoked and that Defendant be placed in custody of the United States Marshal.

SO ORDERED this 16<sup>th</sup> day of June, 2009.

  
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BANA ROBERTS  
UNITED STATES MAGISTRATE JUDGE